

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:12CR3023
)	
v.)	
)	
CHRISTOPHER D. MALLETT,)	MEMORANDUM AND ORDER
)	
Defendant.)	

The defendant is dissatisfied with his current counsel, and defense counsel has moved to withdraw. The above-named defendant is eligible for appointed counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. After conferring with the defendant,

IT IS ORDERED:

- 1) The Federal Public Defender for the District of Nebraska shall provide the court with a draft appointment order (CJA Form 20) for standby counsel to assist the defendant and the court in determining whether new counsel should be appointed to represent the defendant in this case. The court requests appointment of an “A” panel attorney. The draft appointment order shall bear the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.
- 2) Standby counsel shall enter an appearance promptly upon appointment. Defendant's appointed counsel shall provide all case materials for review by defendant's standby counsel. Standby counsel shall confer with the defendant prior to the scheduled hearing on defense counsel's motion to withdraw.
- 3) A hearing on the defense counsel's motion to withdraw, (filing no. 24), will be held before the undersigned on May 29, 2012 beginning at 11:00 a.m. in Courtroom #2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. The defendant, his current appointed counsel (Jessica Milburn), defendant's standby counsel, and counsel for the government shall be present at the hearing on defense counsel's motion to withdraw.

- 4) The clerk shall promptly provide a copy of this order to the Federal Public Defender.
- 5) Due to the pending motion, and with the defendant's consent, the time between today's date and May 29, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the defendant needs additional time to adequately prepare the case and consider his options, and a failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) & (B).

May 16, 2012

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge